






# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA/2021/0472
<b>Address</b>	277 King Street NEWTOWN
<b>Proposal</b>	To demolish part of the premises and carry out shopfront alterations and additions and provide new signage
<b>Date of Lodgement</b>	10 June 2021
<b>Applicant</b>	NSW Town Planning
<b>Owner</b>	Wanalte Pty Ltd
<b>Number of Submissions</b>	Nil
<b>Value of works</b>	\$50,000.00
<b>Reason for determination at Planning Panel</b>	FSR variation exceeds 10%
<b>Main Issues</b>	Floor Space Ratio
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards
<b>Attachment D</b>	Statement of Heritage Significance



### LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

Note: Notified properties within the City of Sydney LGA are not shown on map.

## 1. Executive Summary

This report is an assessment of the application submitted to Council to demolish part of the premises and carry out shopfront alterations and additions and provide new signage at 277 King Street Newtown.

The application was notified to surrounding properties and no submissions were received in response to notification.

The main issues that have arisen from the application include:

- The development represents a 19% breach to the floor space ratio development standard.

Despite the non-compliance, the proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable given the context of the site and the desired future character of the precinct.

Therefore the application is recommended for approval.

## 2. Proposal

Approval is sought to demolish part of the premises and carry out shopfront alterations and additions and provide new signage and includes the following:

- Demolition of the existing ground floor shopfront fronting King Street including existing ATMs, corner splay and signage.
- Construction of a new shopfront comprised largely of glazing which internalises the existing ATM area at the corner of King Street and Mary Street.
- New tiling, window decals and other finishes to the new shopfront.
- Installation of 8 building identification signs.

## 3. Site Description

The subject site is located on the eastern corner of King Street and Mary Street. The site consists of 1 allotment and is generally rectangular in shape with a total area of 252.9sqm and is legally described as 277 King Street Newtown.

The site has a frontage to King Street of 8.7 metres and a secondary frontage of approximate 31.2 metres to Mary Street.

The site supports a two storey mixed use building with a bank operating on the ground floor and office premises operating on the first floor. The adjoining properties to the east and west of the site support two storey mixed use buildings and single storey dwelling houses are located towards the rear of the site.

The property is located within the King Street and Enmore Road Heritage Conservation Area (C2) and is zoned B2 – Local Centre under MLEP 2011.



## 4. Background

### 4(a) Site history

The following application outlines the relevant development history of the subject site.

Application	Proposal	Decision & Date
DA 23/97	To carry out alterations to the ground floor bank including the installation of two ATMs	Approved – 10 February 1997
DA200100343	To carry out alterations to the ground floor level of the premises used as a bank	Approved – 31 July 2001 Modified – 14 October 2002
DA200600497	To erect signage on the premises	Approved – 24 November 2006
DA200800231	To replace the ATM surrounds with a flat non illuminated panel	Approved – 16 June 2008

### 4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
20 July 2021	Council wrote to the applicant requesting the following information: <ul style="list-style-type: none"> <li>• Clarification of the size and dimensions of all signs proposed.</li> <li>• Addressing the signage area provisions within Part 2.21 of MDCP 2011.</li> <li>• Providing specifications of the proposed digital signage display.</li> </ul>
27 July 2021	The applicant provided amended plans and information adequately addressing the above.

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### 5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007

The following provides further discussion of the relevant issues:

### 5(a)(i) State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)

The following is an assessment of the proposed development under the relevant controls contained in SEPP 64.

SEPP 64 specifies aims, objectives, and assessment criteria for signage as addressed below. Schedule 1 of SEPP 64 specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety.

The aims and assessment criteria in SEPP 64 are generally consistent with the signage controls contained in Part 2.12 of Marrickville Development Control Plan 2011 and as such the requirements of the DCP are considered in this section of the report.

The application seeks consent for the erection of the following signage:

Location	Sign Type	Lettering / Symbol	Dimension
King Street frontage	Illuminated under awning sign	“nab”, “ATM” & star symbol	1200mm x 400mm
King Street frontage	Illuminated window sign	Star symbol	900mm x 921mm
King Street frontage	Digital display sign	Various	1650mm x 928mm
King Street frontage	Illuminated top hamper sign	Star symbol & “nab”	480mm x 185mm
King Street frontage	Illuminated awning fascia sign	Star symbol & “nab”	1030mm x 395mm
Mary Street frontage	Illuminated window sign	Star symbol	900mm x 921mm
Mary Street frontage	Illuminated awning fascia sign	Star symbol & “nab”	1030mm x 395mm
King Street frontage	Window shopfront sign	Various informational signs	285mm x 499mm

Pursuant to the definitions contained in Clause 4 of SEPP 64, the proposed signs would constitute “*business identification signs*”.

Clause 3 of SEPP 64 specifies aims and objectives of the policy which are required to be considered for all applications involving the erection of signage. The relevant aims and objectives of the policy include the following:

- “(a) to ensure that signage (including advertising):
- is compatible with the desired amenity and visual character of an area, and
  - provides effective communication in suitable locations, and
  - is of high quality design and finish, and...”

The proposed signage is consistent with the aims and objectives of SEPP 64 and MDCP 2011 as the location of the signage on the building is well incorporated into the building façade and is compatible with the architectural design of the building. The site is located on King Street in a predominately commercial area. While there a number of signs proposed, it is generally consistent with other signage in the locality within the vicinity of the site.

Control 18 of MDCP 2011 states that the total permissible area of all signs must not exceed 1sqm of signage per 1.5 metres of the property's street frontage in a commercial zone. This excludes any permissible under awning sign. The property has approximately an 8.7 metre frontage to King Street, thus allowing 5.8sqm of signage. The property has a secondary frontage of 31.2 metres to Mary Street to which the same calculation is applied as per Control 18, thus allowing 20.8sqm of signage.

The proposal would result in 5 signs on the King Street frontage having a total area of 2.79sqm and 2 signs to the Mary Street frontage having a total area of 1.23sqm. The proposal therefore complies with Control 18 having regard to the quantum/area of signage proposed.

The quantum of signage proposed is generally acceptable having regard to the level of signage in the surrounding area. Additionally, the proposed signage has been well incorporated into the architectural design of the building and reduces visual clutter. As such, the proposal is consistent with the objectives and controls of Part 2.12 and the proposed building signage is acceptable.

It is noted that a majority of the proposed signage is illuminated and this also includes a singular digital display sign capable of displaying multiple different signs to be located on the King Street elevation. In relation to illumination, given the commercial nature of the area the illumination is acceptable subject to controls relating the level of illumination. With regard to the proposed digital sign, conditions are included in the recommendation to ensure the display does not include flashing or animated video or any third party advertising.

Given the above, the proposed signage is acceptable having regard to the objectives and controls relating to signage contained within Part 2.12 of MDCP 2011 and is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64.

**5(a)(ii) State Environmental Planning Policy (Infrastructure) 2007  
(SEPP Infrastructure 2007)**

*Development with frontage to classified road (Clause 101)*

The site has a frontage to King Street, a classified road. Under Clause 101 (2) of *SEPP Infrastructure 2007*, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The application is in relation to signage and minor alterations to the existing shopfront only which will not compromise the safety and ongoing operation of the classified road. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

**5(a)(iii) Marrickville Local Environment Plan 2011 (MLEP 2011)**

The application was assessed against the following relevant clauses of the *Marrickville Local Environment Plan 2011*:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.10 – Heritage Conservation

• Clause 6.1 – Earthworks

The following table provides an assessment of the application against the relevant development standards:

Standard	Existing	Proposal	Non compliance	Complies
<b>Floor Space Ratio</b> Maximum permissible: 1.5:1 or 379.35sqm	1.77:1 447.6sqm	or 1.785:1 or 451.5 sqm	72.15sqm or 19%	No

(i) Land Use Table and Zone Objectives (Clause 2.3)

The site is zoned B2 Local Centre under the *MLEP 2011*. The *MLEP 2011* defines the proposed development as a *business premises* and *business identification sign(s)*.

The development is permitted with consent within the land use table. The development is consistent with the objectives of the B2 Local Centre zone.

It is noted that this application relates to the re-development of the shopfront and signage only and does not seek approval for the use of the premises which has been granted by a previous determination.

(ii) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.5:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 451.5sqm which equates to a FSR of 1.785:1 on the 379.35sqm site which does not comply with the FSR development standard. The application was accompanied by a written submission in relation to the contravention of the FSR development standard in accordance with Clause 4.6 of MLEP 2011.

It is noted that the existing building on the site currently exceeds the maximum FSR with an existing FSR of 1.77:1 or 447.6sqm, representing a 17.9% breach to the development standard. The proposed internalisation of the existing ATM space at the corner of King Street and Mary Street results in an additional 3.9sqm of GFA at the site, increasing the existing breach by 1.1%.

(iii) Exceptions to Development Standards (Clause 4.6)

As outlined in table above, the proposal results in a breach of the following development standard:

• Clause 4.4 – Floor space ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.4 of MLEP 2011 by 19% (72.15sqm).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of MLEP 2011 below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of MLEP 2011 justifying the proposed contravention of the development standard which is summarised as follows:

- The existing building on the site already breaches the FSR development standard by 68.25sqm or 17.9%, having an FSR of 1.77:1.
- The additional floor area resulting from the proposal is minimal being an additional 3.9sqm.
- The proposal does not result in additional bulk at the site which results in adverse impacts to neighbouring properties or the streetscape but improves the amenity and appearance of the existing building.
- The proposal largely maintains the building footprint and bulk already existing at the site and therefore remains compatible with the established character of the area.
- The development does not result in adverse heritage impacts or impacts to the classified road.
- The planning controls within Part 5 of MDCP 2011 encourage building to street boundaries in commercial centres.

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the B2 Local Centre, in accordance with Clause 4.6(4)(a)(ii) of MLEP 2011 for the following reasons:

- The proposal facilitates the continuation of the existing business premises (bank) use at the site which serves the needs of people who live in, work in and visit the local area of Newtown.
- The proposal facilitates the continuation of the existing business premises use at the site which provides employment opportunities in an accessible location.
- The redesigned shopfront allows for a space at street level which provides an active street-front.

It is considered the development is in the public interest because it is consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of MLEP 2011 for the following reasons:

- The existing FSR at the site currently breaches the development standard and the additional FSR proposed is minimal and remains consistent with the established scale of the area.
- The bulk and scale of the proposal does not result in any adverse impacts to surrounding properties or the streetscape as a result of visual bulk or building setbacks and is therefore consistent with the desired future character of the area.
- The development is acceptable having regard to the relevant heritage conservation and streetscape controls and therefore is considered to have minimal environmental impacts on the public domain

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of MLEP 2011. For the reasons outlined above, there are sufficient planning grounds to justify the departure from floor space ratio and it is recommended the Clause 4.6 exception be granted.

(iv) Heritage Conservation (Clause 5.10)

The site is located within the King Street and Enmore Road Heritage Conservation Area (HCA). The development is generally acceptable having regard to the relevant provisions of Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011 for the following reasons:

- The development is compatible with the historical commercial nature of the area.
- The development includes works to the ground floor of the building that has already been highly altered and the improvements to the shopfront will improve the appearance of the building to the street.
- The proposed signage is consistent with the character of signage within the commercial area and will not adversely impact the heritage values of the HCA.
- Given the above, the development conserves the environmental heritage of the area.

The application was referred to Council's Heritage Specialist who supports the application in line with the comments above.

5(b) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.5 – Equity of Access and Mobility	Yes – see discussion
Part 2.9 – Community Safety	Yes
Part 2.12 – Signs and Advertising	Yes – see discussion under SEPP 64
Part 5 – Commercial and Mixed Use Development	Yes – see discussion
Part 8 – Heritage	Yes – see discussion under MLEP 2011
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

(i) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent.

For the commercial component of the development Part 2.5 of MDCP 2011 requires the following:

- Appropriate access for all persons through the principal entrance of a building and a continuous accessible path of travel (CAPT), designed in accordance with the National Construction Code (Building Code of Australia) and relevant Australian Standards.



The existing commercial premise is accessible and the new shopfront proposed will also be accessible as indicated by the ramp at the principal entrance indicated on the plans. As such, the proposed development is considered acceptable having regard to the accessibility requirements of Part 2.5 of MDCP 201.

(i) Commercial and Mixed Use Development (Part 5)

Part 5 of MDCP 2011 contains objectives and controls relating to building form and detail for commercial development. The development is acceptable having regard to the relevant objectives and controls within Part 5 for the following reasons:

- The development brings the shopfront to the property boundaries and defines the corner of King Street and Mary Street.
- The proposed shopfront is clearly identifiable as new development and provides a contemporary design to the streetscape which is consistent with other shopfronts along King Street.
- The shopfront is largely glazed and provides visual transparency and direct access between the shop and footpath.
- The shopfront wraps around the corner to provide an active frontage to Mary Street.

5(d) **The Likely Impacts**

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact on the locality.

5(e) **The suitability of the site for the development**

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) **Any submissions**

The application was notified in accordance with Council's Community Engagement Framework for a period of 14 days to surrounding properties. No submissions were received in response to the notification.

5(g) **The Public Interest**

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

## 6 Referrals

6(a) **Internal**

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Heritage Specialist

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Marrickville Local Environmental Plan 2011*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2021/0472 to demolish part of the premises and carry out shopfront alterations and additions and provide new signage at 277 King Street Newtown subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA.03 Issue B	Demolition Plan	09.03.2021	WMK Architecture
DA.04 Issue B	Ground Floor Plan	09.03.2021	WMK Architecture
Sheet 4 of 14 Issue 01	Elevation (King Street)	14.07.2021	Diadem P/L
Sheet 5 of 14 Issue 01	Elevation (Mary Street)	14.07.2021	Diadem P/L
Sheet 6 of 14 Issue 01	Signage Details	14.07.2021	Diadem P/L
Sheet 7 of 14 Issue 01	Signage Details	14.07.2021	Diadem P/L
Sheet 8 of 14 Issue 01	Signage Details	14.07.2021	Diadem P/L
Sheet 10 of 14 Issue 01	Signage Details	14.07.2021	Diadem P/L
Sheet 13 of 14 Issue 01	Signage Details	14.07.2021	Diadem P/L

As amended by the conditions of consent.

#### FEES

##### 2. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2,209.00
Inspection Fee:	\$236.70

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the

environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

### **3. Long Service Levy**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

## **GENERAL CONDITIONS**

### **4. Boundary Alignment Levels**

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

### **5. Stormwater Drainage System – Simple**

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road. Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties.

### **6. Waste Management Plan**

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RVMP) in accordance with the relevant Development Control Plan.

### **7. Erosion and Sediment Control**

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

**8. Standard Street Tree Protection**

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

**9. Works Outside the Property Boundary**

This development consent does not authorise works outside the property boundaries on adjoining lands.

**10. Signage Illumination**

Maximum light spill from the illumination shall be in accordance with the Australian Standard AS 4282:1997 "Control of the Obtrusive Effects of Outdoor Lighting". Should any substantive complaints be received, or should the proposed illumination have an adverse impact on surrounding amenity, Council reserves the right to request modifications to the illumination of the signage panels.

**11. On-going operation of digital signage**

The digital business identification sign must all times operate in accordance with the following:

- a. Sequences involving flashing, moving or intermittently illuminated images are prohibited.
- b. Each image must be displayed in a completely static manner, without any motion, for the approved dwell time that must not be less than 10 seconds.
- c. Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign.
- d. The image must not be capable of being mistaken for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in an image being mistaken for a prescribed traffic control device or as text providing driving instructions to drivers.
- e. The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.
- f. No third party advertising to be displayed

**PRIOR TO ANY DEMOLITION****12. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**13. Advising Neighbors Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

**14. Construction Fencing**

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

**PRIOR TO CONSTRUCTION CERTIFICATE****15. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

**16. Structural Certificate for retained elements of the building**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

**17. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

**18. Light Spill**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

**DURING DEMOLITION AND CONSTRUCTION****19. Construction Hours – Class 2-9**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time;  
and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

#### **20. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

### **PRIOR TO OCCUPATION CERTIFICATE**

#### **21. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

#### **22. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

#### **23. Whiteway Lighting - Existing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the Whiteway lighting scheme and any existing meter box being maintained and any defects (including the need to install a "special small service") in the system are repaired.

### **ADVISORY NOTES**

#### **Permits**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and

- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

#### **Insurances**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

#### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

#### **Notification of commencement of works**

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

#### **Storage of Materials on public property**

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

#### **Toilet Facilities**

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

#### **Infrastructure**

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

#### **Other Approvals may be needed**

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.



**Failure to comply with conditions**

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

**Other works**

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Obtaining Relevant Certification**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;  
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

**Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

**National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

**Notification of commencement of works**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder; and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

**Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

**Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

**Fire Safety Certificate**

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

**Lead-based Paint**

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

**Dial before you dig**

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a>

[www.diysafe.nsw.gov.au](http://www.diysafe.nsw.gov.au)  
Information on asbestos and safe work practices.

NSW Office of Environment and Heritage 131 555  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Sydney Water 13 20 92  
[www.sydneywater.com.au](http://www.sydneywater.com.au)

Waste Service - SITA 1300 651 116  
Environmental Solutions [www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW 13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)  
Enquiries relating to work safety and asbestos removal and disposal.

**Street Numbering**

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

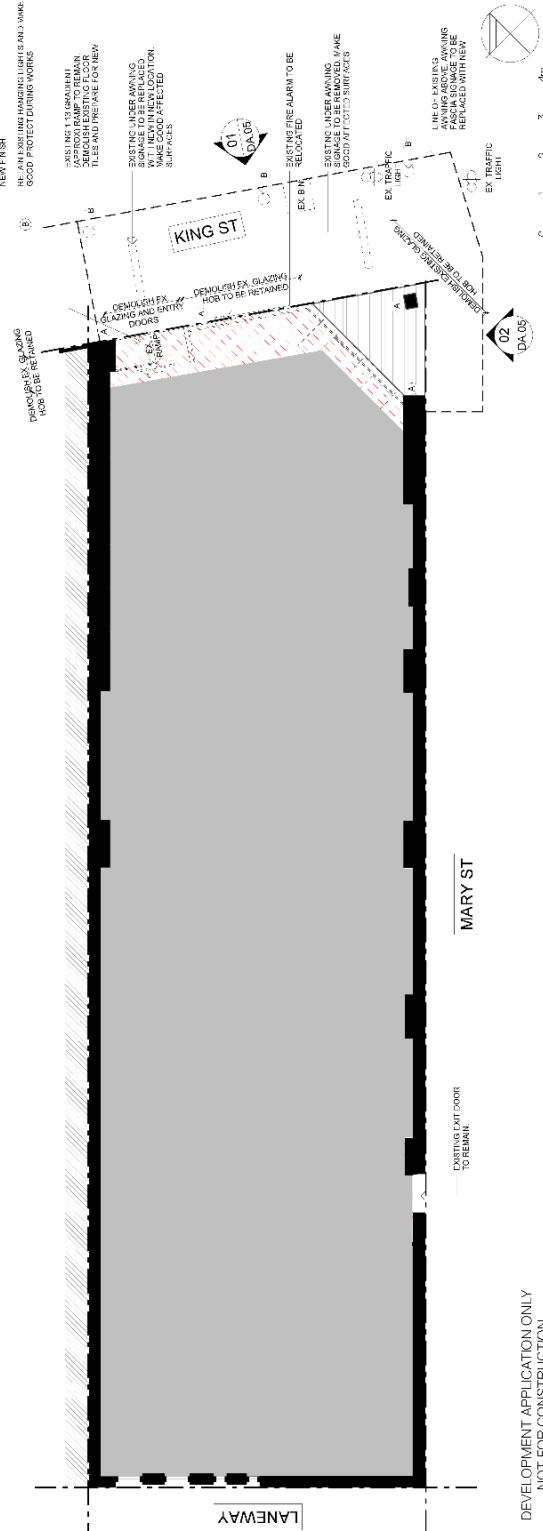
Attachment B – Plans of proposed development

**DEMOLITION/DE-FIT LEGEND:**

- EXISTING WALLS AND COLUMNS TO REMAIN
- EXTENT OF AREA NOT IN SCOPE FOR DEVELOPMENT APPLICATION
- ADJACENT TENANCY
- EX. JOBBY FURNITURE & EQUIPMENT TO REMAIN/REMOVE PROPOSED FOR AS FOLLOWS TO ICM IN RESPECT OF RETAINED ITEMS
- EXISTING LEASE LINE EXTENT S-OWN PROJECT MANAGER
- EXISTING GLAZED PARTITION TO REMAIN
- EXISTING WALL DOORS, SWITCHES AND JOBBY TO BE DEVOLVED
- EXISTING CEILING AND FLOOR FINISHES TO BE DEVOLVED
- INFILTRATE FLOOR FINISHES AND INTERIOR PARTITION

**NOTE THIS DRAWING SHOULD BE PRINTED IN COLOUR**

- REMOVE EXISTING WALL TILES ON EXISTING REAR FURNITURE, HANDRAIL WALL AND PART FOR GOOD PROTECT DURING WORKS
- EXISTING SIGNAGE AND LIGHTS AND WORK TO BE DEMOLISHED AND RELOCATED TO THE MAIN FRONTAGE FOR REAR
- EXISTING UNDER AWINGS SIGNAGE TO BE REPLACED WITH NEW SIGNAGE WITH REVISIONS TO LOCATION SURFACES
- EXISTING FIRE ALARMS TO BE RELOCATED
- EXISTING UNDER AWINGS AND SIGNAGE TO BE REPLACED WITH NEW SIGNAGE WITH REVISIONS TO LOCATION SURFACES



	<b>Issue</b>	<b>Description</b>	<b>Date</b>	<b>Project Manager</b>	<b>Client</b>
	A	ISSUED FOR APPROVAL	03/12/20		nab
	U	ISSUED FOR APPROVAL	03/08/21		lendlease

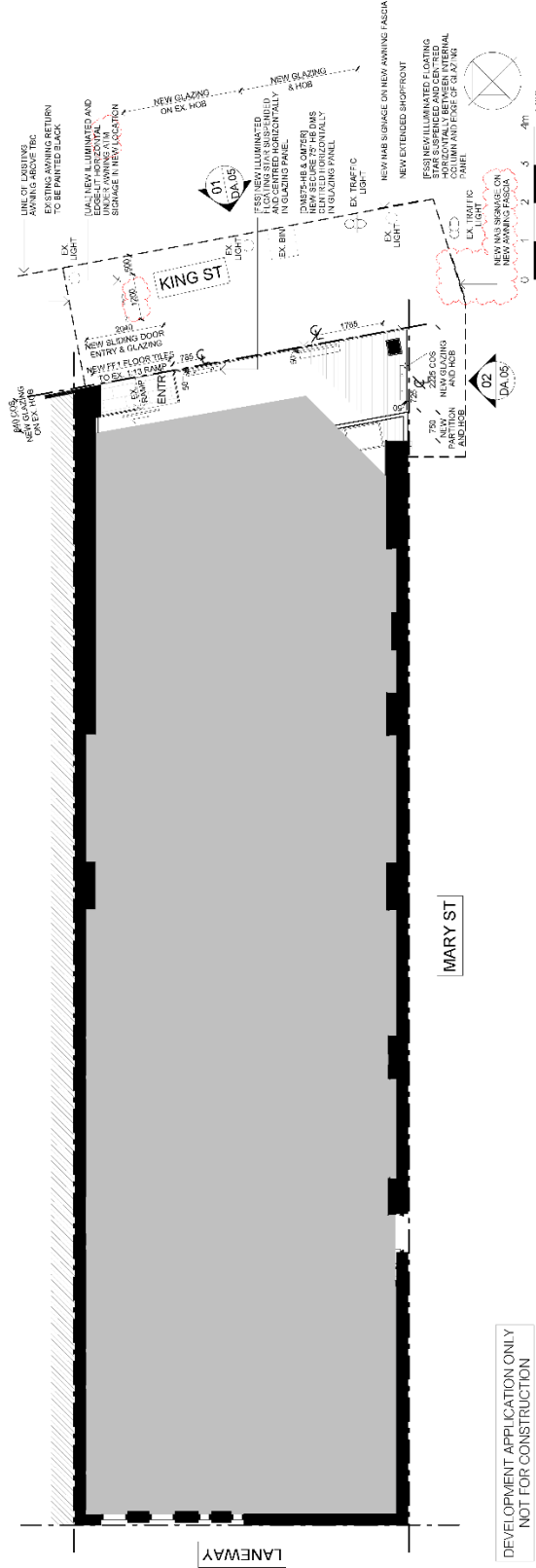
  

<b>Project</b>	<b>This</b>	<b>Drawing No.</b>	<b>Issue</b>
2/7 BUSINESS HILL N.W. CORN, NSW 2002	EXISTING TENANCY PLAN (DEMO PLAN)	DA.05	B
		<b>Scale</b>	<b>Drawing Size</b>
		1:100	A3
		<b>Project No.</b>	<b>Drawn By</b>
		200333	SM/VJC

Drawings are to be produced in accordance with the Australian Standard AS 1100-2011 and AS 1100-2014. Drawings are to be printed in black on white paper. A scale of 1:100 is used unless otherwise indicated.

- GENERAL LEGEND:**
- EXISTING WALLS TO REMAIN
  - EXTENT OF AREA NOT IN SCOPE
  - ADJACENT TENANCY
  - LINE OF BOB EQUIPMENT AND DDA CIRCULATION
  - LINE OF OVERHEAD TRACKS AND BULKHEADS
  - EX. CONSERVE/FURNITURE & EQUIPMENT TO REMAIN
  - LOCATIONS PROJECT MANAGER HAS TO CONFIRM SCOPE OF RETAINED ITEMS
  - EXISTING LEASE LINE EXTERN SHOW
  - EXISTING LEASE LINE INTERN SHOW

NOTE: THIS DRAWING SHOULD BE PRINTED IN COLOUR



DEVELOPMENT APPLICATION ONLY  
NOT FOR CONSTRUCTION

17-175-200  
2006  
6041 37 47 750 100

Project: MAU NEWLAWN 277 KING STREET WYNDHAM ST, NSW 2042

Client: nab

Project Manager: lendlease

Date: 30/07/20

Issue: A: ISSUED FOR CONSTRUCTION  
B: ISSUED FOR APPROVAL

Issue Description: A: ISSUED FOR CONSTRUCTION  
B: ISSUED FOR APPROVAL

Drawing No: DA/04

Scale: 1:80

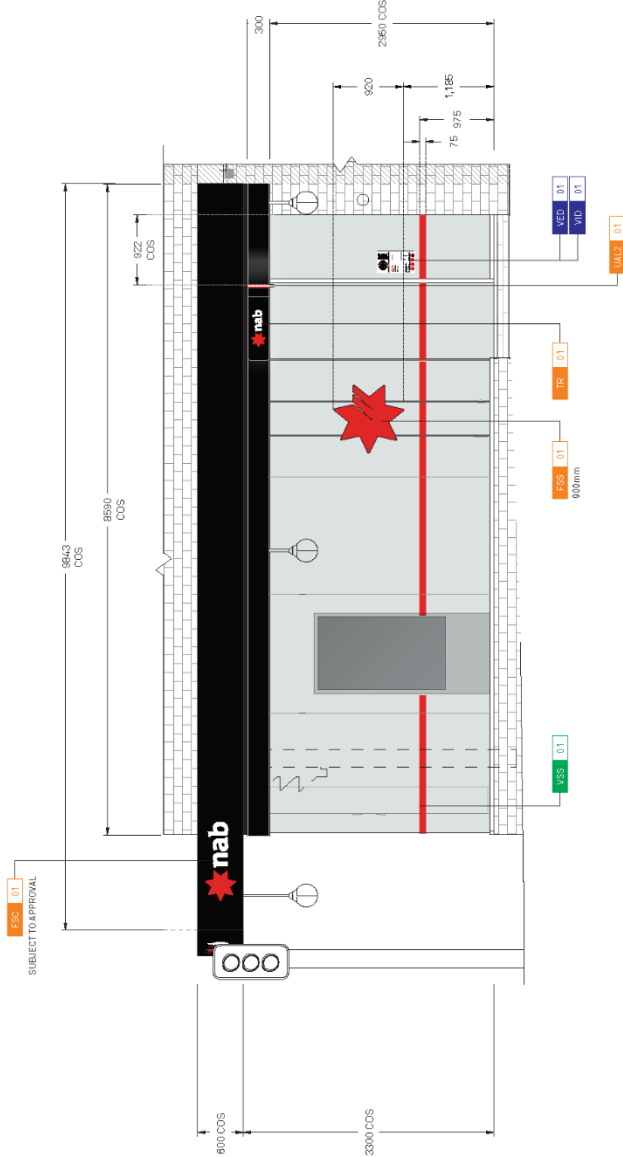
Project No: 20063

Drawing Size: A3

Drawn By: SM/AC

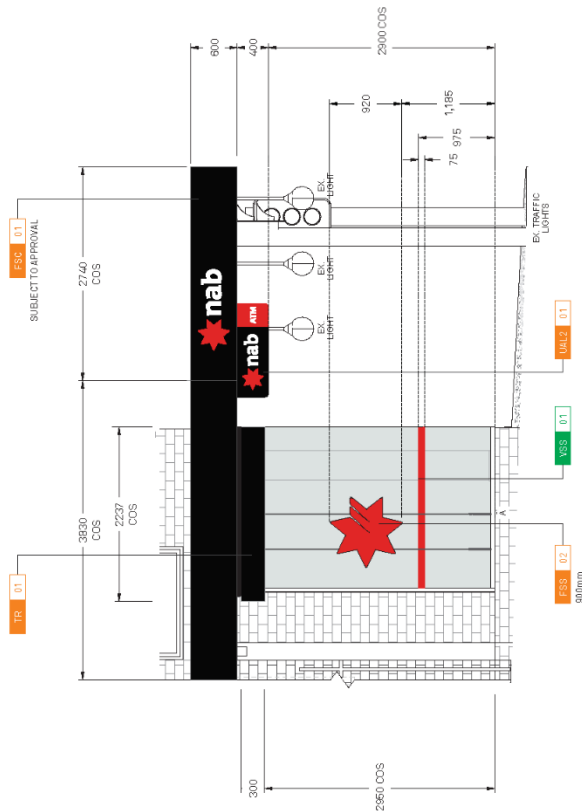
Issue:

It is hereby declared that the purpose of this notice is to inform the public of the fact that the subject of this notice is a development application and that the public has the right to make representations to the planning authority. The closing date for representations is 15/08/20.



ELEVATION  
SCALE 1:60

<p>LEYZER Collins Street VIC Australia F/03 8570 6788 diadem.co</p>	<p>diadem</p>	<p>REVISION DESCRIPTION</p>	<p>DATE</p>	<p>DRAWN</p>	<p>CLIENT</p>	<p>ISSUE NO</p>	<p>ISSUE DATE</p>	<p>SCALE</p>	<p>DRAWING NO</p>
<p>CLIENT APPROVAL</p>	<p>NOT FOR CONSTRUCTION</p>	<p>GENERAL NOTE: THESE DRAWINGS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE BUILDING ACT 1993 AND THE BUILDING REGULATIONS 2006. THE DRAWING HOLDER AND THE ARCHITECT ASSUME NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE DRAWING HOLDER AND THE ARCHITECT ACCEPT NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE DRAWING HOLDER AND THE ARCHITECT ACCEPT NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.</p>	<p>DATE</p>	<p>DATE</p>	<p>NAB</p>	<p>01</p>	<p>14/12/2021</p>	<p>AS SHOWN @ A3</p>	<p>DRAWING NO</p>
<p>CONTRACTOR</p>	<p>MUSE</p>				<p>PROJECT</p>	<p>DRAWING TITLE</p>			<p>REVISION</p>
					<p>NEWTOWN NSW</p>	<p>ELEVATION</p>			<p>DRAWING REVISION</p>
					<p>PM HS</p>	<p>RACKS FILE NAME</p>			<p>SHEET NO</p>
					<p>SC</p>	<p>23136-VF-NEWTOWN-NSW-01</p>			<p>4 of 14</p>
					<p>CHECKED</p>				
					<p>JD</p>				



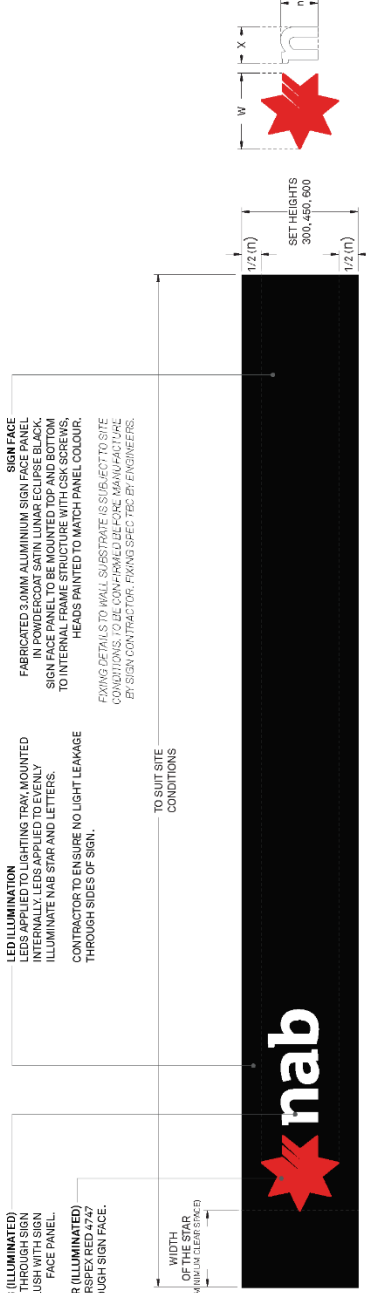
ELEVATION  
SCALE 1:50

<b>diadem</b> LE/4/01 Collins Street Melbourne 3000 T/03 8870 6787 F/03 8870 6788 diadem.co	NOT FOR CONSTRUCTION CLIENT APPROVAL	REVISION DESCRIPTION DATE DRAWN PROJECT NEWTOWN NSW	CLIENT MAB	ISSUE NO 01	ISSUE DATE 14.07.2021	SCALE AS SHOWN @ A3	DRAWING NO -
	SIGNATURE NAME DATE	PROJECT TITLE ELEVATION	DRAWN SC	CHECKED JC	DRAWING FILE NAME 2315E-VP-NEWTOWN.NSW-01	SHEET NO 5 of 14	

**NOT FOR CONSTRUCTION**  
 ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE SPECIFIED.  
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 DIMENSIONS TO BE GIVEN TO INTERNAL FACE OF MANUFACTURE.



**TOP VIEW - Fascia (Custom application)**  
 SCALE: 1:10



**SIGN FACE**

FABRICATED 3.0MM ALUMINIUM SIGN FACE PANEL IN POWDERCOAT SATIN LUNAR COLOUR. SIGN FACE PANEL TO BE MOUNTED TOP AND BOTTOM TO INTERNAL FRAME STRUCTURE WITH CSK SCREWS. HEADS PAINTED TO MATCH PANEL COLOUR.  
 FIXING DETAILS TO WALL SUBSTRATE IS SUBJECT TO SITE CONDITIONS. (SEE COMPANY QUALITY CONTROL MANUAL) BY SIGN CONTRACTOR, FIXING SPEC TBC BY ENGINEERS.

**LED ILLUMINATION**

LED LIGHTING TRAY MOUNTED INTERNALLY LEADS APPLIED TO EVENLY ILLUMINATE MAB STAR AND LETTERS.  
 CONTRACTOR TO ENSURE NO LIGHT LEAKAGE THROUGH SIDES OF SIGN.

**MAB LETTERS (ILLUMINATED)**

OPAL ACRYLIC LETTERS MOUNTED TO SIGN FACE LETTERS TO ALIGN FLUSH WITH SIGN FACE PANEL.

**MAB STAR (ILLUMINATED)**

OPAL ACRYLIC STAR MOUNTED TO SIGN FACE EXPRESSED 0.6MM THROUGH SIGN FACE.

WIDTH OF THE STAR (0.6MM THROUGH FACE)

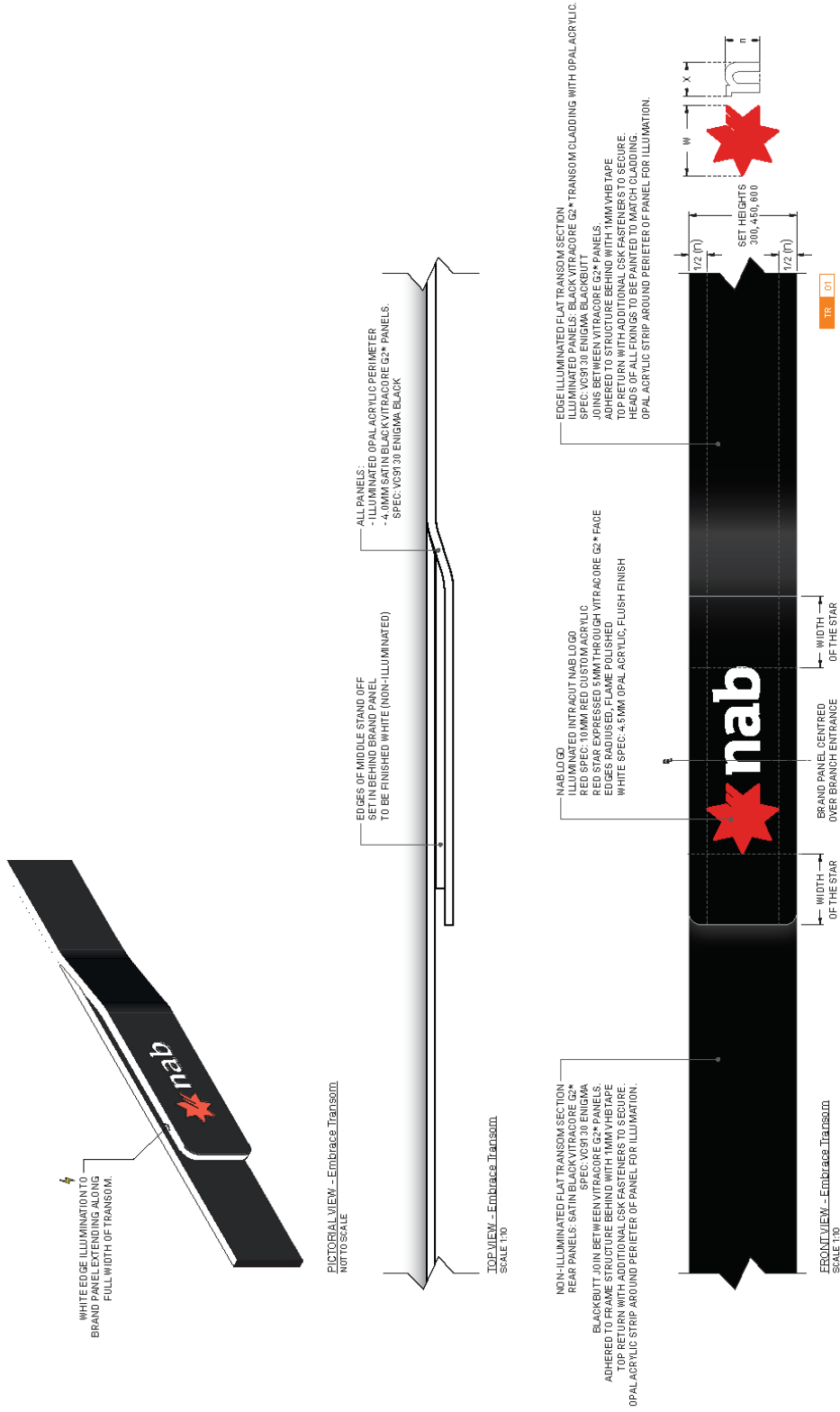
TO SUIT SITE CONDITIONS

**FRONT VIEW - Fascia (Custom application)**  
 SCALE: 1:10

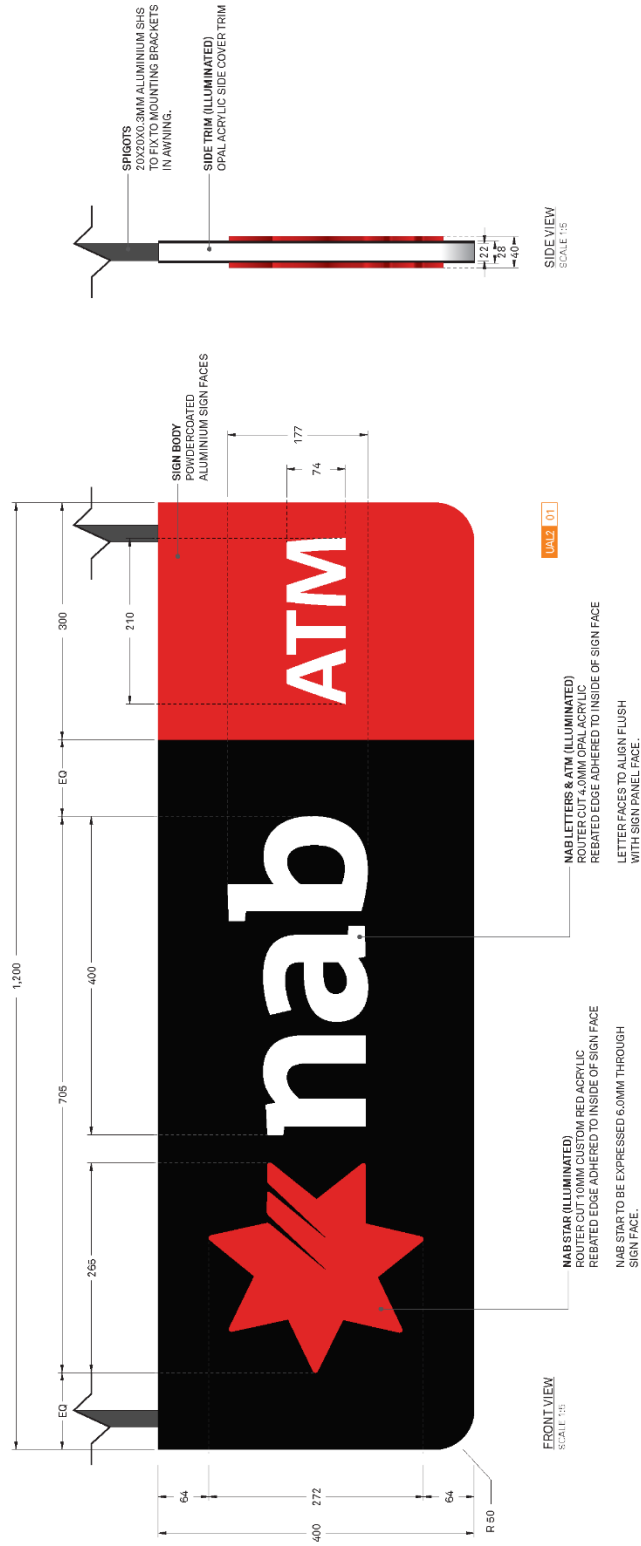
**P-33-UT-02**  
 New proposed sign  
 Waiting for approval

<p>diadem</p> <p>LE/4/06 Collins Street                  Melbourne 3000                  T: 03 9370 2767                  F: 03 9970 6759                  diadem@vic.gov.au</p>	<b>NOT FOR CONSTRUCTION</b>		REVISION	DESCRIPTION	DATE	DATE
	CLIENT APPROVAL		CLIENT	DRAWN	DATE	DATE
	CLIENT APPROVAL	MAB	MAB	DATE	DATE	DATE
	ISSUE NO	UT	PROJECT	NEW TOWN NSW	PROJECT TITLE	FASCIA SIGN
	ISSUE DATE	11/07/2021	CHECKED	JC	PROJECT FILE NAME	23125-NEW TOWN NSW-01
	SCALE	AS SHOWN @ A3	DRAWING NO		DRAWING REVISION	
					SHEET NO	8 of 14



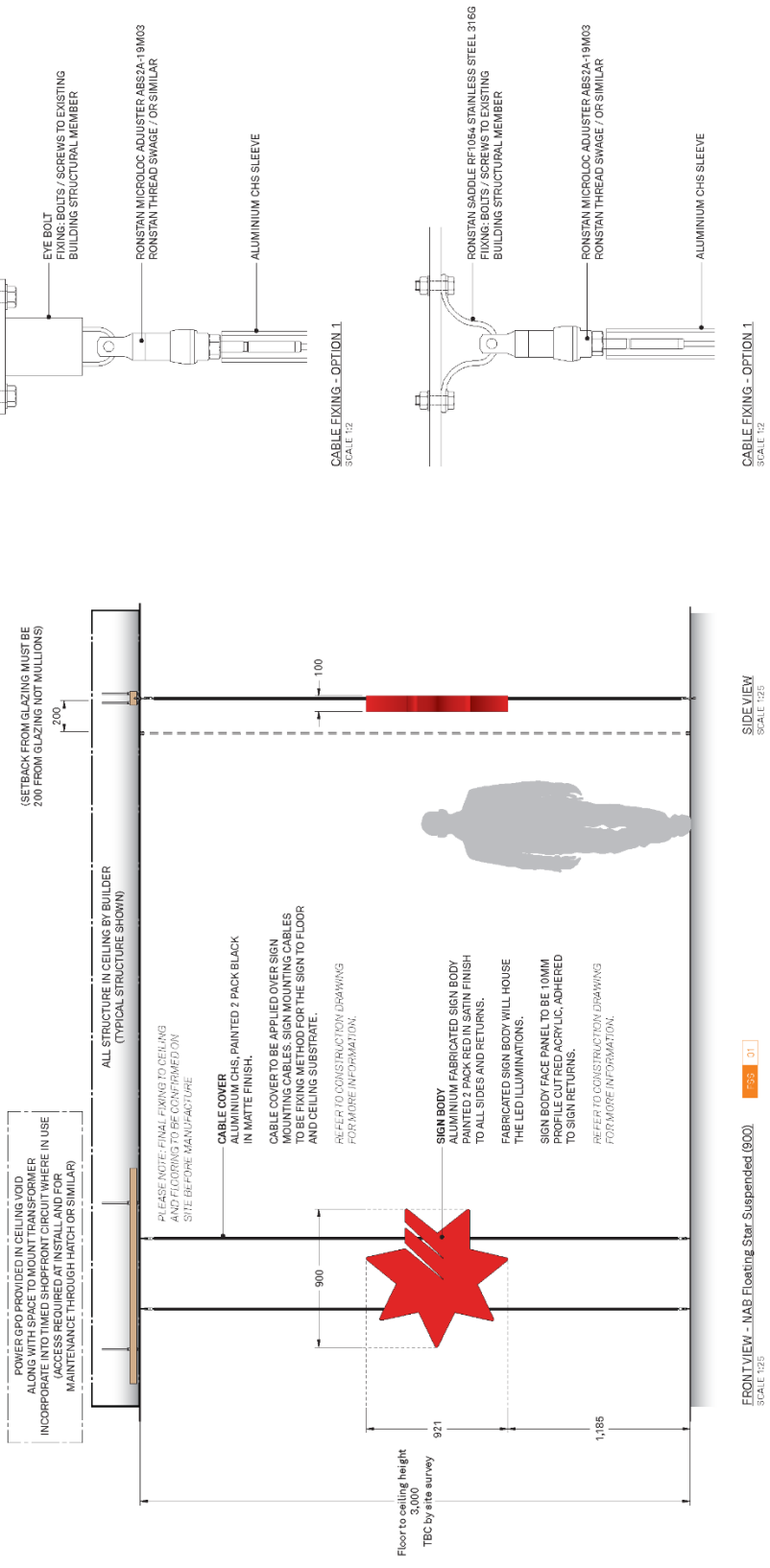


<p>15/205 Collins Street Melbourne 3000 T 03 9570 6262 F 03 9570 6269 diadam.com.au</p>		<p><b>diadam</b></p>		<p>NOT FOR CONSTRUCTION</p>		<p>REVISION DESCRIPTION DATE DRAWN CLIENT NAME PROJECT NEWTOWN NSW DRAWING TITLE TR EMBRACE TRANSOM</p>		<p>ISSUE NO 01 ISSUE DATE 14.07.2021 SCALE AS SHOWN @A3 DRAWING NO - DRAWING REVISION - SHEET NO 7 OF 14</p>	
<p>CLIENT APPROVAL</p> <p>DATE _____</p> <p>SIGNATURE _____ NAME _____ DISE _____</p>		<p>DATE _____</p> <p>DRAWN SC</p> <p>CHECKED JD</p>		<p>PROJECT NEWTOWN NSW</p> <p>CLIENT NAME NAB</p>		<p>PROJECT NEWTOWN NSW</p> <p>PROJECT NEWTOWN NSW</p>		<p>PROJECT NEWTOWN NSW</p> <p>PROJECT NEWTOWN NSW</p>	
<p>FOR ALL WORK, PLEASE ADVISE US OF ANY CHANGES TO THE DESIGN OR SPECIFICATIONS TO BE MADE. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE DESIGNER ACCEPTS RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF THE WORK. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.</p>		<p>PROJECT NEWTOWN NSW</p> <p>CLIENT NAME NAB</p>		<p>PROJECT NEWTOWN NSW</p> <p>PROJECT NEWTOWN NSW</p>		<p>PROJECT NEWTOWN NSW</p> <p>PROJECT NEWTOWN NSW</p>		<p>PROJECT NEWTOWN NSW</p> <p>PROJECT NEWTOWN NSW</p>	



<p>ISSUE NO. 01</p> <p>ISSUE DATE 14/11/2017</p> <p>SCALE AS SHOWN @ AS</p> <p>DRAWING NO. DRAWING REVISION</p> <p>DRAWING TITLE UNDERAWNING SIGN</p> <p>PACK FILE NAME 23126-VP-NEW/TOWN/NSW-01</p>		<p>CLIENT MAS</p> <p>PROJECT NEW/TOWN NSW</p> <p>DRAWN HIS</p> <p>CHECKED JD</p>	<p>REVISION DESCRIPTION</p> <p>DATE</p>	<p>DATE</p> <p>DATE</p>
<p><b>diadem</b></p> <p>15/4 DE Collins Street Melbourne 3000 T/ 03 9576 0787 F/ 03 9570 0789 diadem.co</p>		<p>NOT FOR CONSTRUCTION</p> <p>CLIENT APPROVAL</p> <p>SIGNATURE NAME DATE</p> <p>BY: [Signature] DATE: [Date]</p> <p>FOR: [Signature] DATE: [Date]</p>	<p>REVISION DESCRIPTION</p> <p>DATE</p>	<p>DATE</p> <p>DATE</p>

INSTALL START TO SUIT SITE SPECIFIC CONDITIONS AND TO ENGINEER'S DETAIL AND SPECIFICATION



**REVISIONS**

PLEASE REFER TO PROPOSED SIGNAGE DRAWINGS AS SET OUT. INTENT TO:   
A. SUBMIT TO THE LTP PANEL FOR REVIEW AND APPROVAL.   
B. OBTAIN APPROVAL FROM THE PROPOSED DEVELOPER.   
C. OBTAIN APPROVAL FROM THE PROPOSED MANUFACTURER.   
CONTRACTOR TO OBTAIN ALL NECESSARY APPROVALS PRIOR TO COMMENCEMENT OF WORK.   
CONTRACTOR TO PROVIDE THE MANUFACTURER'S DRAWINGS FOR APPROVAL.

ISSUE NO: 01  
ISSUE DATE: 14/07/2021  
SCALE: AS SHOWN @ A3  
DRAWING NO: -

DRAWING TITLE: FSW - 900  
PROJECT: NAB FLOATING STAR WALL MOUNTED  
DRAWING NO: DRAWING NO. 3C  
REVISION: -

CHECKED: J.D.  
DRAWN: S.C.  
PACK FILE NAME: 221319-NP-NI-W-CDWL-NSW-01  
SHEET NO: 10 OF 14

REVISION	DESCRIPTION	DATE	DRAWN	CHECKED
-	-	-	-	-

NOT FOR CONSTRUCTION

C.D. APPROVAL

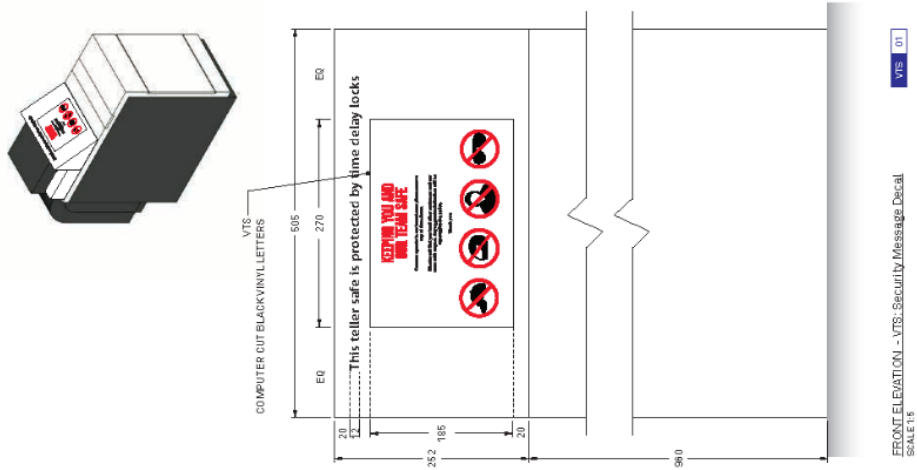
SIGNATURE: NAME: DATE:

**diadem**

15/106 Collins Street  
Melbourne VIC 3000  
T: 03 9370 7676  
F: 03 9370 0759  
diadem.co

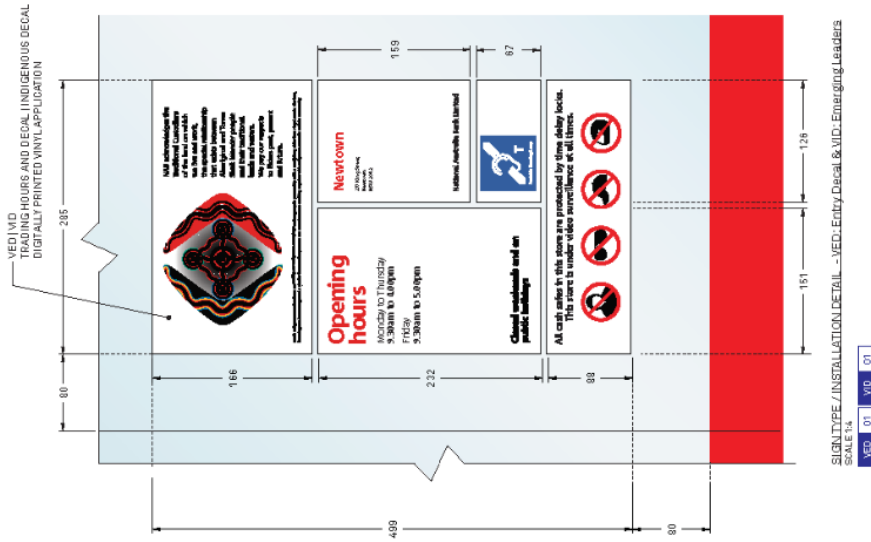
INTENTION: THIS IS A CONSTRUCTION DRAWING. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE DRAWING IS THE PROPERTY OF DIADEM ENGINEERING AND IS TO BE KEPT IN CONFIDENCE. UNLESS OTHERWISE STATED, THE DRAWING IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DIADEM ENGINEERING.

SIGNAGE INSTALLATION IS SUBJECT TO SITE CONDITIONS AND ENGINEERING APPROVED DRAWINGS.



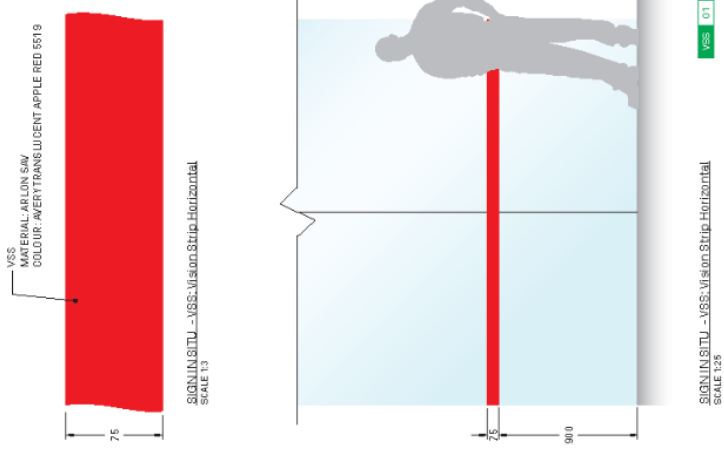
FRONT ELEVATION - VTS - Security Message Decal  
SCALE 1:5

VIS 01



SIGN TYPE / INSTALLATION DETAIL - VED - Entry Decal & VID - Emerging Leaders  
SCALE 1:4

VED 01 VID 01

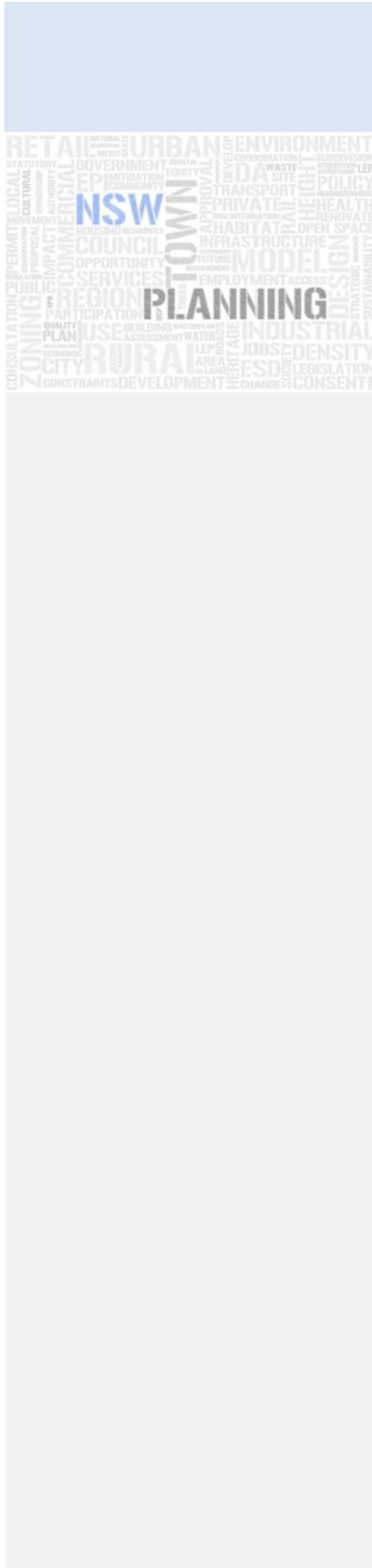


SIGN IN SITU - VSS - Vision Sign Horizontal  
SCALE 1:25

VSS 01

<b>diadem</b> 15/108 Bulbin Street Mt Auburn NSW 2810 UG Australia P: 08 9870 0299 F: 08 9870 0299 diadem.co		NOT FOR CONSTRUCTION CLIENT APPROVAL PROJECT NO: 23113-PP-NEWTOWN_NSW-01 PROJECT NAME: STANDARD PAGES - VINYL APPLICATION CHECKED: JID DRAWN: SC CLIENT: NAB NEWTOWN NSW DRAWN: - DATE: - REVISION DESCRIPTION: - DATE: - DRAWN: - CLIENT: NAB NEWTOWN NSW PROJECT: NEWTOWN NSW ISSUE NO: 01 ISSUE DATE: 14.07.2021 SCALE: AS SHOWN @ A3 DRAWING NO: - REVISION: - SHEET NO: 13 OF 14
--	--	--

## Attachment C- Clause 4.6 Exception to Development Standards



# Clause 4.6 Variation

Floor Space Ratio

Proposed Shopfront Alterations and  
Alterations and Signage

NAB Newtown  
277 King Street  
Newtown

{Lot B DP 508664}

Prepared by NSW Town Planning  
June 2021  
Ref | FSR\_Variation.docx

**Document Control Table**

<b>Document Reference:</b>	FSR Variation.docx	
<b>Date</b>	<b>Version</b>	<b>Author</b>
03 April 2021	1	N. Murray
09 June 2021	2	N. Murray
06 July 2021	3	N. Murray

© 2021 NSW Town Planning

This document contains material protected under copyright and intellectual property laws and is to be used only by and for the intended client. Any unauthorized reprint or use of this material beyond the purpose for which it was created is prohibited. No part of this work may be copied, reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system without express written permission from NSW Town Planning.

**Clause 4.6 Variation**

[Shopfront Alterations and Alterations and Signage](#) | Ground Floor, 277 King Street Newtown

---

**1. Introduction**

This variation request is made pursuant to Clause 4.6 *Marrickville Local Environmental Plan 2011* and has been prepared in relation to the resulting floor space ratio that will occur from the proposed shopfront alterations for NAB at the ground floor of 277 King Street Newtown.

Clause 4.6 exists to provide a degree of flexibility to the consent authority in determining whether a variation to a development standard contained within the LEP should be supported.

The objectives of Clause 4.6 are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) provides for consent to be granted for development even though the development would contravene a development standard where it is demonstrated:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

And under subclause (4), where:

- (a) *the consent authority is satisfied that:*
  - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*

In deciding whether to grant concurrence, the Director-General must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

This Objection demonstrates why strict compliance with the development standard for distribution of floor space ratio is both unreasonable and unnecessary in creating an appropriate development for the subject development.

*This statement has been prepared in accordance with the 'Department of Planning & Environment's Guideline for Varying Development Standards: A Guide' (August 2011) and 'Planning Circular PS-18-003: Variations to development standards' (Issued 21 February 2018), and has ensured consistency with the relevant principles identified in the following Land and Environment Court judgements:*

1. *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46*
2. *Wehbe v Pittwater Council [2007] NSWLEC 827 ('Wehbe')*
3. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')*
4. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
5. *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')*

**Clause 4.6 Variation**

[Shopfront Alterations and Alterations and Signage](#) | Ground Floor, 277 King Street Newtown

---

6. *Moskovich v Waverley Council [2016] NSWLEC 1015*
7. *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 ('Initial Action')*

Chief Justice Preston in *Initial Action* outlined that Clause 4.6(4) establishes the preconditions that a Consent Authority must be satisfied before it can grant a variation to a development standard. This statement has sought to address those preconditions which have been listed below:

1. (a) addresses why compliance with the development standard is unreasonable or unnecessary in the circumstances; and
2. (b) provides sufficient environmental planning grounds to justify contravening the development standard; and
3. (c) identifies that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the zone.

It is relevant to note that *Initial Action* also establishes that:

- in determining whether compliance with the development standard is unreasonable or unnecessary, the consent authority needs to ask itself if the applicants written submission has adequately addressed this matter, not that they themselves considers the compliance unreasonable or unnecessary.
- clause 4.6 does not directly or indirectly establish that a neutral or beneficial effect be realised by the proposal variation.
- clause 4.6(3)(b) required that there be "sufficient environmental planning grounds to justify contravening the development standard" and the words "better environmental outcome" came from the objectives of clause 4.6. as there is no provision to require compliance with those objectives, the belief that the outcome be a better outcome both for and by development is not a relevant matter for consideration.



Clause 4.6 Variation

[Shopfront Alterations and Alterations and Signage](#) | Ground Floor, 277 King Street Newtown

**2. Development Standard to Which this Variation Applies**

The Clause 4.6 Variation applies to Clause 4.4(2) of *Marrickville Local Environmental Plan 2011* which sets a maximum floor space ratio for land as indicated on the Floor Space Ratio Map. For the purposes of this application, the relevant map sheet is Sheet 009, which prescribed a maximum floor space ratio (FSR) of 1.5:1 for the site (extract reproduced as Figure 1).



Figure 6. Marrickville Local Environmental Plan 2011 FSR Map (Source: Marrickville Council, 2011)

**3. Variation to the Standard**

The proposal departs from the development standard as it seeks approval for the minor expansion of the ground floor area by 3.9sqm to reinstate the original front setback alignments at the corner of King Street and Mary Street.

The proposed floor space ratio will be 1.785:1 (being an increase of 0.015:1 from the current non-compliant floor space ratio of 1.771).

The resulting difference from the control of 1.5:1 is 19%.

**Clause 4.6 Variation**

[Shopfront Alterations and Alterations and Signage](#) | Ground Floor, 277 King Street Newtown

---

## 4. Objectives of the Standard

The objectives for the floor space ratio controls under *Marrickville Local Environmental Plan 2011* are:

- (a) *to establish the maximum floor space ratio,*
- (b) *to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
- (c) *to minimise adverse environmental impacts on adjoining properties and the public domain.*

The proposal is consistent with the objectives as the change is minimal and returns the building back to a state where the shopfront is aligned with the footpath. The proposal will have a positive public domain outcome without significantly changing the streetscape as outlined by the desired outcomes in Marrickville DCP

## 5. Objectives of the Zone

The Site is zoned B2 Local Centre. The objectives of Zone B2 are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide housing attached to permissible non-residential uses which is of a type and scale commensurate with the accessibility and function of the centre or area.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To constrain parking and reduce car use.*

The proposal is consistent with the zone objectives in that it:

- provides upgrading of a business use in an accessible location,
- supports an improved activation of the shopfront,
- avoids all amenity impacts, and
- supports the site's function and role in the local centre.

## 6. Whether the Development Standard is Unreasonable or Unnecessary

As outlined earlier in this statement, Initial Action Preston CJ establishes that in assessing whether compliance with a development standard is unreasonable or unnecessary, the consent authority needs to specifically assess if the applicants written submission has adequately addressed this matter, not that they themselves consider the compliance unreasonable or unnecessary.

*Wehbe* asserts that compliance with a development standard is unreasonable or unnecessary may be demonstrated in one or more of the following ways:

- *"the objectives of the development standard are achieved notwithstanding non-compliance with the standard*
- *the underlying objective or purpose is not relevant to the development*
- *the underlying objective or purpose would be thwarted if compliance with the standard was required*
- *the development standard has been virtually abandoned or destroyed by the Council's decisions in granting development consents that depart from the standard*
- *the Zoning of the land is unreasonable or inappropriate (though this limb is limited) some other way".*

**Clause 4.6 Variation**

[Shopfront Alterations and Alterations and Signage](#) | Ground Floor, 277 King Street Newtown

---

The proposal does not involve any building work that enlarges the building footprint, bulk or scale, and seeks to enclose an area that was originally within the building and was made external as a result of ATM installations.

The total “new” gross floor area is only 3.9sqm. The floor area represents 1.5% of the total site area and is completely reversible in the future should its use no longer be required.

All other controls that apply to the development are satisfied by the proposal.

The objectives of the floor space ratio control are also satisfied.

In this circumstance, compliance with the development standard would be unreasonable and unnecessary given that the floor area in question previously existed, and the zero-lot setbacks supported by the Marrickville Development Control Plan.

The change of use of this space does not result in any potential impacts that the controls in place seek to avoid such as bulk and scale impacts on the streetscape or neighbouring properties.

There is no greater impact to occur from the use and development of the Site by the proposal in comparison to the existing arrangement.

## 7. Environmental Planning Grounds to Justify Contravening the Development Standard

Initial Action lays out a framework to demonstrate that there are ‘sufficient’ environmental planning grounds to justify contravening the development standard as:

- “environmental planning grounds” by their nature, being grounds that relate to the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979 (including section 1.3 of the EPA Act); and
- “sufficient” in that they are adequate to:
  - justify contravening the development standard, not simply promote the benefits of the development. The focus should be the element of the development that contravenes the development standard, not on the development as a whole.
  - demonstrate that there are sufficient environmental planning grounds to justify contravention so that the Council can be satisfied that the written request has adequately addressed the matter.

The variation to the development standard to the floor space ratio control is considered justified in this instance as:

- the variation is a minor change to the already non-compliant floor space ratio approved for the Site, and will have no greater impact than the floor space already approved;
- the variation to the standard exists as a result of change of use of an existing structure only, with no bulk and scale impacts to occur;
- the work will reinstate the original building layout;
- the objectives of the floor space ratio standard as well as the B2 zone are achieved;
- no adverse impact that the development standard seeks to avoid is created by the development;
- the DCP planning controls encourage zero-lot setback alignments which will be achieved; and
- no impact in the heritage significance of the locality is created by the variation.

It is emphasised that *Initial Action* confirms that there is no requirement to demonstrate a neutral or beneficial outcome; however, this outcome is achieved nonetheless.

**Clause 4.6 Variation**

[Shopfront Alterations and Alterations and Signage](#) | Ground Floor, 277 King Street Newtown

---

**8. The Public Interest**

The proposal variation is not inconsistent with the public interest as the overarching intent of the floor space ratio control will be achieved by the development.

**9. Other Matters of State or Regional Significance**

No other matters of relevance apply to preclude the variation from being granted.

**10. Conclusion**

It is considered that the proposed variation has satisfied the criteria established under Clause 4.6 of *Marrickville Local Environmental Plan 2011*.

Strict compliance with the floor space ratio controls under Clause 4.4(2) of that instrument is neither reasonable nor necessary to achieve the intended outcomes.

There are sufficient environmental planning grounds to justify contravening the development standard.

No unreasonable environmental impacts are introduced as a result of the proposal.

There is no public or material benefit in maintaining strict compliance with the standard.

It is requested that favourable consideration to the variation is provided.

## Attachment D – Statement of Heritage Significance

### Item Details

<b>Name</b>	King Street and Enmore Road
<b>Other/Former Names</b>	
<b>Address</b>	King Street NEWTOWN NSW 2042
<b>Local Govt Area</b>	<b>Group Name</b> King Street and Enmore Road Heritage Conservation Area
<b>Inner West</b>	
<b>Item Classification</b>	
<b>Item Type</b>	<b>Item Group</b> Urban Area
Conservation Area	<b>Item Category</b> Townscape
<b>Statement Of Significance</b>	
<p>The King Street and Enmore Road retail strip is of state historical, social and aesthetic significance as it provides an evocative physical record of significant historical phases which shaped the "New Town" from the late 19th to the early 20th Century, and has high regard in the community. The retail strip provides evidence of the economic boom of the late 1870s/1880s, exemplified by the quality and quantity of late-Victorian period building stock. Many of the buildings are impressive reminders of the area's role as a civic, retail and entertainment hub. The continuous 2 and 3 storey facades and the general uniformity of scale in King Street and Enmore Road create a distinct visual impression and outstanding townscape qualities. The consistency and relative intactness of the late 19th and early 20th century building stock is unique in the Sydney region and the State as a whole. A large number of Art Deco and Interwar period hotels demonstrate the highly populated, working class nature of the suburb in the early 20th century. The streetscapes of King Street and Enmore Road have high aesthetic value which is enhanced by the closed vistas created by street curves and by the views over the surrounding areas afforded by the alignment following the ridge line. Mixed retail uses, including delicatessens, and changes to shopfronts dating from the 1950s and 1960s reflect the strong influence of post-war migrants on the area. The area has social significance due its high regard in the community arising from its vibrant mix of retail and community uses.</p>	
<b>Assessed Significance Type</b>	<b>Endorsed Significance</b>
State	Local
	<b>Date Significance Updated</b> 01/16/2012

This report was produced using the State Heritage Inventory managed by Heritage NSW. Check with your relevant local council or NSW government agency for the most up-to-date information. 06/08/2021 03:51 PM

**Listings**

Listing Name	Listing Date	Instrument Name	Instrument No.	Plan No.	Gazette No.	Gazette Number
Local Environmental Plan	12/12/2011 12:00:00 AM Plan 2011	Marrickville Local Environmental Plan 2011	C2			2011/645
Heritage study						
Local Environmental Plan						
Local Environmental Plan	12/12/2011 12:00:00 AM Plan 2011	Marrickville Local Environmental Plan 2011	C2			2011/645
Heritage study						

**Heritage Item ID**  
2030501

**Source**  
Local Government

**Location**

**Addresses**

Records Retrieved: 6

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
	Enmore Road	ENMORE/NSW/2042	Inner West	Unknown			Unknown	Alternate Address
	Enmore Road	ENMORE/NSW/2042	Inner West	Unknown			Unknown	Alternate Address
	Enmore Road	ENMORE/NSW/2042	Inner West	Unknown			Unknown	Alternate Address
	Enmore Road	ENMORE/NSW/2042	Inner West	Unknown			Unknown	Alternate Address
	King Street	NEWTOWN/NSW/2042	Inner West	Unknown			Unknown	Primary Address
	King Street	NEWTOWN/NSW/2042	Inner West	Unknown			Unknown	Primary Address

This report was produced using the State Heritage Inventory managed by Heritage NSW. Check with your relevant local council or NSW government agency for the most up-to-date information.

06/08/2021 03:51 PM

**Description**

<b>Designer</b>	<b>Builder/Maker</b>
<b>Construction Year Start &amp; End</b> 1870 - 1930	<b>Circa</b> NO
<b>Physical Description</b>	<b>Period</b> 1851 to 1900
<b>Updated</b>	
LOCATION: Enmore Road and the section of King Street which lies within Marrickville LGA, both extend southwest from Newtown Bridge.	
KEY PERIOD OF SIGNIFICANCE: 1870s to 1930	
<p><b>DESCRIPTION:</b> King Street and Enmore Road are dominated by two and occasionally three storey commercial/retail buildings of the late 19th and early 20th centuries, built to the street alignment, with awnings over the footpaths. Facades above awnings are largely intact and highly detailed, particularly to parapets. The continuous 2 and 3 storey facades and the general uniformity of scale in these streetscapes create outstanding townscape qualities. Art Deco style buildings (eg. Enmore Theatre, Enmore Road) and inter war period hotels (eg. Sandringham Hotel in King Street)) also contribute to the mix of buildings. The townscape qualities are enhanced by closed vistas created by street curves. Mixed retail uses including delicatessens and post WW II changes to ground floor shopfronts reflect the strong influence of post WW II migration.</p> <p>Precinct Three follows King Street from the Newtown Railway Bridge to its intersection with the Princes Highway at St Peters. The buildings are still predominantly late Victorian to early Federation.</p> <p><b>VIEWS</b> Closed vistas along King Street and Enmore Road created by street curves. District views from some intersections due to King Street and Enmore Road following ridgelines. The tall chimney stacks of the former Brickworks in Sydney Park remain a significant landmark at the southern end of King Street.</p> <p><b>CONTRIBUTORY ELEMENTS</b></p> <ul style="list-style-type: none"> <li>- intact first and second floor facades</li> <li>- intricate façade detail to first and second floors including parapet decoration, statuary, stucco urns</li> <li>- shopfronts with original splayed, setback entries</li> <li>- trachyte kerb and guttering</li> </ul> <p><b>NON CONTRIBUTORY ELEMENTS</b></p> <ul style="list-style-type: none"> <li>- Late 20th century infill sites, including several on Enmore Road between Newtown Bridge and Reiby Street including a service station.</li> <li>- modern shopfronts involving extensive use of glazing</li> </ul>	
<b>Physical Condition</b>	

**Updated** 06/12/2009

This report was produced using the State Heritage Inventory managed by Heritage NSW. Check with your relevant local council or NSW government agency for the most up-to-date information. 06/08/2021 03:51 PM

Generally good condition, however many facades are in need of repainting.

**Modifications And Dates**

The section of Enmore Road between Newtown Bridge and Reiby Street features a number of intrusive elements such as a service station, and a number of unsympathetic infill buildings. The removal of 1st and 2nd floor balconies since WWII to many buildings is the only major loss of original and fabric and detailing to most buildings.

**Further Comments**

---

**History**

**Historical Notes or Provenance**

Updated

This report was produced using the State Heritage Inventory managed by Heritage NSW. Check with your relevant local council or NSW government agency for the most up-to-date information. 06/08/2021 03:51 PM



The original owners of the land within the Marrickville Council area were the Cadigal and Wangal clans of the coastal Eora people. They spoke Eora, which may have been a dialect of the Dharug (Darug) language, though sources differ on this point. With the establishment of the penal colony at Sydney Cove in 1788 the dispossession of the original inhabitants was begun. In 1789 a smallpox plague decimated the Aboriginal population, though descendants of the Cadigal and Wangal people still reside within the Sydney metropolitan area.

The King Street/Enmore Road Heritage Conservation Area formed part of the land grants offered by Governor Phillip between 1793 and 1810. The largest owners of the lands that are part of the conservation area are Nicholas Devine and Thomas Rowley. Originally granted 100 acres in 1793, Rowley's grant, known as Kingston Farm, was enlarged twice, in 1800 and 1803, to 240 acres. By July 1841 Kingston Farm was being subdivided, when Samuel Lyons advertised a portion of the estate, the house "erected thereon, together with the several detached buildings, namely, Cooking-house, Servants' Rooms, Gig-house, Stables, &Co." (Sydney Gazette, 20 July 1841, p. 3). This area was north of Enmore Road. In 1854 a portion of Kingston Farm, south of the proposed railway line from Sydney to Parramatta and close to the site of Newtown Railway Station, was purchased by Thomas Holt, Thomas Ware Smart, Thomas Sutcliffe Mort and George Wigram Allen. The railway opened in September 1855 and in 1857 the land was subdivided into 370 allotments as the Kingston South Estate. The subdivision was not a great success and in 1861, after four years, only 16 lots had been sold and the unsold lots were distributed among the partners. It was then re-subdivided in 1863 and became the first subdivision under the provisions of the Real Property Act of 1862 (now known as Torrens Title) on 24 December 1863 as 'Holt, Smart and Mort's Subdivision of South Kingston', Deposited Plan 1.

The early surveyors used the ridgeline as the boundary between grants and their point of convergence is now the open space at Newtown Bridge. From the 1830s onwards many wealthy families moved to the suburb of "New Town" to build large villas and estates. Among those in this area were Mary Reiby's 1840s "Reiby House" and the 1835 John Verge-designed villa of Captain Sylvester Browne (best known as the father of novelist T.A. Browne, "Rolf Boldrewood") called "Enmore House". Both of these villas were just south of Enmore Road. A later owner of Enmore House estate, Isaac Simmons, subdivided part of the property as the "Beautiful Village of Enmore" in about 1841. In about 1847 "Stanmore House" (between Simmons Street and Reiby Street), probably designed by architect Henry Robertson, was also built for Mary Reiby.

"Enmore Road was an Aboriginal walking track and was known as Josephson's Track in the 1850s. Enmore Ward was created in 1862; the name is taken from the estate owned by Captain Sylvester Brown from 1835 and the Josephsons from 1838 to 1883. Enmore is the name of a small millennium-old town in Somerset near Cornwall; Brown took the name of his employer's estate in British Guiana or Barbados in the West Indies. Following the renaming of a section of Cooks River Road as King Street in 1877, Alderman Melville proposed that Enmore Road be renamed Chelsea Street and Alderman Cozens recommended Queen Street instead. Queen Street was used from 1879 until after 1880." (Newtown Project website "Streets/Enmore Road notes: [http://cityofsydney.nsw.gov.au/newtownproject/history\\_of\\_the\\_streets\\_of\\_newt.html](http://cityofsydney.nsw.gov.au/newtownproject/history_of_the_streets_of_newt.html))

"King Street (see Cooks River Road) was also called 'the Newtown Road' in the 1870s; the section between Bligh Street and Parramatta Road was named City Road in the 1920s. Cooks River Road extended from Parramatta Road to Cooks River. It was previously known as Bulanaming Road until the 1820s and informally known as Newtown Road in the latter half of the 19th century. The section between Bligh Street and St. Peter's Station was renamed as King Street in October 1877." Newtown Project website "Streets/King Street notes: [http://cityofsydney.nsw.gov.au/newtownproject/history\\_of\\_the\\_streets\\_of\\_newt.html](http://cityofsydney.nsw.gov.au/newtownproject/history_of_the_streets_of_newt.html)

The introduction of the railway line in 1855 with a railway station at Newtown led to increased urban development of the area. The King Street/Enmore Road area became a commercial and retail hub with increasing development from the 1860s. The 1879 Sand's Directory still shows vacant sites along Enmore Road, however by 1880 all sites are built on, generally with retail buildings but with some residences. The residences are gradually replaced after 1880 with new retail buildings. Development continued into the 20th century with construction of a few interwar buildings such as the Enmore Theatre, and later infill development (particularly between Reiby Street and Newtown Bridge on Enmore Road).

**Historic Themes**

Records Retrieved: 2

National Theme	State Theme	Local Theme
Developing local, regional and national economies	Convict	Unknown
Developing local, regional and national economies	Convict	Unknown

This report was produced using the State Heritage Inventory managed by Heritage NSW. Check with your relevant local council or NSW government agency for the most up-to-date information. 06/08/2021 03:51 PM

**Assessment**

<p><b>Criteria a)</b>  <b>Historical Significance</b>                  The area holds a significant record of important historical phases associated with the expansion of Sydney during the mid to late 19th century brought on by the introduction of the railway line in 1855 and tramway services in the 1880s, and the economic and immigration flux triggered by the gold rushes in the 1850s and 1860s. The high quality and quantity of commercial and retail buildings demonstrate the economic boom of the 1880s. The surviving garages dating from the 1920s and 30s also reflect the importance of King Street as a major traffic route. The number of hotels along the length of King Street shows evidence of the working class nature of the area. The post war migrant influx into Australia and influence on Newtown is reflected in the mixed retail uses, including delicatessens, and shopfronts introduced in the 1950s and 1960s.</p>	<p style="text-align: center;"><b>Include</b></p>	<p style="text-align: center;"><b>Exclude</b></p>
<p><b>Criteria b)</b>  <b>Historical Association Significance</b></p>	<p style="text-align: center;"><b>Include</b></p>	<p style="text-align: center;"><b>Exclude</b></p>
<p><b>Criteria c)</b>  <b>Aesthetic/Technical Significance</b>                  The retail strip of King St and Enmore Rd exemplifies the economic boom of the 1870s and 1880s. The continuous two and three storey decorative stucco facades, create a distinct visual impression and demonstrate positive landmark qualities as a remarkable collection of buildings through almost the whole streetscape. This is enhanced by the curved nature of the streets, narrow building allotments and the ridgeline topography. Collectively the buildings are a fine representative example of late Victorian and early Federation period commercial design, which have largely retained their form and original features. The quantity and quality of building stock is unique in the Sydney Metropolitan Area and the state of NSW</p>	<p style="text-align: center;"><b>Include</b></p>	<p style="text-align: center;"><b>Exclude</b></p>
<p><b>Criteria d)</b>  <b>Social/Cultural Significance</b>                  The local community's esteem for the area is reflected in the high level of original building fabric remaining in the area and their involvement in planning for the future in the area, particularly through the South Sydney and Marrickville Heritage Societies. The area is also classified by the National Trust and is identified in the Register for the National Estate.</p>	<p style="text-align: center;"><b>Include</b></p>	<p style="text-align: center;"><b>Exclude</b></p>

06/08/2021 03:51 PM

This report was produced using the State Heritage Inventory managed by Heritage NSW. Check with your relevant local council or NSW government agency for the most up-to-date information.

<b>Research Potential</b>	<b>Include</b>	<b>Exclude</b>
Criteria f)		
Rarity	<b>Include</b>	<b>Exclude</b>
Criteria g)		
<b>Representative</b>	<b>Include</b>	<b>Exclude</b>
The consistency and relative intactness of the late Victorian and early Federation building stock is unique in the Sydney Metropolitan area and the whole of the State.		
<b>Integrity/Intactness</b>		<b>Updated 08/05/2015</b>

**References**

References				Records Retrieved: 0
Title	Author	Year	Link	Type
No Results Found				

**Heritage Studies**

Heritage Studies					Records Retrieved: 0
Title	Year	Item Number	Author	Inspected By	Guidelines Used
No Results Found					

**Procedures / Workflows / Notes**

Records Retrieved: 0

This report was produced using the State Heritage Inventory managed by Heritage NSW. Check with your relevant local council or NSW government agency for the most up-to-date information. 06/08/2021 03:51 PM

Application ID / Procedure ID	Section of Act	Description	Title	Officer	Date Received	Status	Outcome
No Results Found							

**Management**

Management

Records Retrieved: 0

Management Category	Management Name	Date Updated
No Results Found		

Management Summary

This report was produced using the State Heritage Inventory managed by Heritage NSW. Check with your relevant local council or NSW government agency for the most up-to-date information. 06/08/2021 03:51 PM